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EXAMINER

JOO, JOSHUA

ART UNIT

PAPER NUMBER

2445

NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Attachment to Advisory Action

Claim Objections

Objection of claims 14-15 and 44 set in the Office action dated October 18, 2010 is withdrawn in view of Applicant's amendment.

Claim Rejections - 35 USC § 112

Rejection of claims 4-9, 11-15, 28-35, 37-41, 43, and 44 under 35 U.S.C. 112, second paragraph set in the Office action dated October 18, 2010 is withdrawn in view of Applicant's amendment.

Claim Rejections - 35 USC § 103

Applicant's arguments filed January 18, 2011 regarding the rejection of claims under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

Applicant argued:

(1) On page 14, even if arguendo Brewer discuss adjusting bandwidth in the invention thereof, there is not teaching or reasonable suggestion of automatically modifying an allocated priority level as a function of the available resources of said local area network. As submitted, a bandwidth is not a priority level.

In response, Examiner is not correlating the bandwidth as the claimed priority level but is correlating the QOS level as the claimed priority level as indicated on page 6 of the Office action. Brewer et al. US Patent Nol. 7,002,980 (Brewer hereinafter) teaches that the QOS levels are QOS priority levels (col. 1, lines 59-61, col. 5, lines 11-17; claims 4-6, 11). Brewer teaches a method of pre-allocating certain bandwidth with each QOS level (col. 4, lines 17-18) and adding excess bandwidth, an available resource, to a QOS level (col. 4, lines 22-28; col. 5, lines 63-67), wherein a device utilizing software and algorithm performs the method. The QOS level is modified with the excess bandwidth, and therefore, Brewer

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teaches the claimed step of “automatically modifying an allocated priority level as a function of the available resources”. Brewer does not specifically teach that the bandwidth, i.e. the available resources, is of a local area network. However, it was shown that Hagen US Publication No. 2002/0075844 teaches of allocating resources of a local area network.

(2) Regarding the rejection of claims 2-9, 11-14, 17, 21-27, 29-35, 37-40, and 43, the claims are patentable at least by virtue of their dependences.

In response, the dependent claims are not patentable as associated independent claims are not patentable. Applicant also has not provided any new arguments for the allowability of the independent claims.